

REMARKS/ARGUMENTS

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Official Action provided.

Upon entry of the above amendments claims 1 and 2 will have been amended. Claims 1-12 are currently pending. Applicants respectfully request reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application.

In the Official Action, the Examiner rejected claims 1, 3 and 5-7 under 35 U.S.C. § 103(a) as being unpatentable over SAITO et al. (U.S. Pub. No. 2002/0039532) in view of KURIHARA et al. (U.S. Patent No. 7,083,399); and

the Examiner rejected claims 2, 4 and 8-12 under 35 U.S.C. § 103(a), as being unpatentable over SAITO and KURIHARA, in view of MAKINO et al. (U.S. Patent No. 6,808,372).

Without acquiescing to the propriety of the Examiner's rejections, Applicants have amended independent claims 1 and 2 solely in order to expedite prosecution of the present application.

In particular, claim 1 sets forth an electric compressor including, inter alia, an intake passage which returns fluid from an outside of the compressor into the suction port, wherein the suction port is provided in the inverter case, and wherein the intake passage has a thermal binding portion which thermally binds the intake passage to the inverter, the thermal binding portion having a plurality of fins projecting into a fluid path of the intake passage, the inverter case having an end surface connected to an end wall of the housing such that the end surface of the inverter case defines at least part of the intake passage, and the thermal binding portion being positioned within the inverter case.

Applicants submit that SAITO, KURIHARA, and MAKINO, alone or in any properly reasoned combination, lack any disclosure of at least the above-noted combination of elements.

As discussed during the above-noted telephone interview, and as agreed with by the Examiner, KURIHARA does not disclose the end surface of the inverter case defining at least part of the intake passage, as generally recited in amended claim 1.

More specifically, during the telephone interview, the Examiner agreed that KURIHARA discloses an end surface (*i.e., the flange of the inverter case located generally at reference numeral 14*) of the inverter case 11 being connected to the housing via screws 14. Therefore, Applicants' Attorney argued, and the Examiner agreed, that the end surface of the inverter case of KURIHARA is positioned apart from the intake passage 56; and thus, Applicants submit that KURIHARA does not disclose at least the presently claimed end surface of the inverter case defining at least part of the intake passage, as generally recited in amended claim 1.

Additionally, during the interview, Applicants' Attorney argued, and the Examiner agreed, that none of the other applied prior art (*i.e., SAITO and MAKINO*) discloses the above-mentioned feature.

Further, Applicants submit that independent claim 2, is generally similar to independent claim 1 in that it generally recites, inter alia, the end surface of the inverter case defining at least part of the intake passage.

Accordingly, Applicants submit that claim 2 is also allowable over the prior art of record generally for at least all of the reasons discussed *supra*.

Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 1-12 under 35 U.S.C. § 103 and to indicate their allowability in the present application.

In view of the arguments herein, Applicants submit that independent claims 1 and 2 are in condition for allowance. With regard to dependent claims 3-12, Applicants assert that they are allowable on their own merit, as well as because of their respective dependencies from independent claims 1 and 2, which Applicants have shown to be allowable.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.

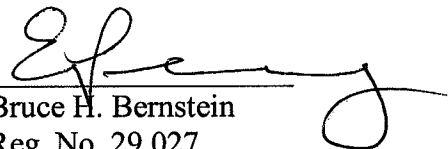
SUMMARY

Applicants submit that the present application is in condition for allowance, and respectfully requests an indication to that effect. Applicants have argued the allowability of the claims and pointed out deficiencies of the applied references. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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